

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL C. SCHAEFFER : CIVIL ACTION
: :
: :
v. : :
: :
RAYMOND LAWLER, et al. : NO. 09-1148

ORDER

AND NOW, this 30th day of June, 2009, upon careful and independent consideration of Michael C. Schaeffer's pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1) and the report and recommendation of the Honorable Judge L. Felipe Restrepo (docket entry # 4), and the Court finding that:

(a) Schaeffer did not object to Judge Restrepo's report and recommendation within the time period specified by Local R. Civ. P. 72.1; and

(b) Judge Restrepo correctly concluded that Schaeffer's petition for habeas relief is moot because he has completed his sentence, been released from custody, and did not seek relief for any collateral consequences;

It is hereby ORDERED that:

1. The report and recommendation is APPROVED and ADOPTED;

2. Schaeffer's petition for writ of habeas corpus is DENIED AS MOOT;

3. Because a reasonable jurist could not conclude that the Court is incorrect to deny the petition as moot, we DECLINE to issue a certificate of appealability; and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.